

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 44
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 5, 2004, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

2588S.05C

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2004, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(b), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, except as hereinafter provided, and all property taxes), less the cost (1) of collection thereof, (2) of maintaining the highway related activities of the highways and transportation commission and department including any workers' compensation and retirement programs, (3) and of administering and enforcing any state motor vehicle laws or traffic regulations, and less refunds and that portion of the fuel tax revenue to be allocated to counties and to cities, towns and villages [under] **pursuant to** section 30(a) of Article IV of this Constitution, shall be credited to the state road fund and stand appropriated without legislative action for the following purposes, and no other:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;

(2) To reimburse the various counties and other political subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the highways and transportation commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;

(3) In the discretion of the commission to locate, relocate, establish, acquire, construct and maintain the following:

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

(b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways; and also national, state or local parkways, travelways, tourways, with coordinated facilities;

(c) any tunnel or interstate bridge or part thereof, where necessary to connect the state highways of this state with those of other states;

(d) any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds;

(e) any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town; and

(f) additional state highways, bridges and tunnels, outside the corporate limits of cities having a population in excess of one hundred fifty thousand, either in congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.

(4) To acquire materials, equipment and buildings necessary for the purposes herein described; and

(5) For such other purposes and contingencies relating and appertaining to the

construction and maintenance of such highways and bridges as the highways and transportation commission may deem necessary and proper.

2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one percent to the state transportation fund, which is hereby created to be used in a manner provided by law and seventy-four percent to the state road fund. The amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

3. Notwithstanding the provisions of subsection 1 of this section, any increase in state license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over and above those in effect upon adoption of this section shall be distributed as follows: ten percent to the counties, fifteen percent to the cities and seventy-five to the state road fund. The amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

4. Notwithstanding the provisions of subsection 1 of this section, beginning the first fiscal year following adoption of this provision, the amount of state revenues derived from highway users as an incident to their use or right to use the highways of the state, which are appropriated to state offices and departments to cover the costs described in subsection 1 of this section, shall be reduced by twenty percent. For every subsequent fiscal year thereafter, the total amount of revenues appropriated to such state offices and departments for such purposes shall be reduced by an additional twenty percent. By the fifth fiscal year following adoption of this provision, and every subsequent fiscal year thereafter, no state revenues derived from highway users, as described in subsection one of this section, shall be appropriated to such state offices and departments. The provisions of this subsection shall not apply to or restrict appropriations to:

(1) Cover the costs of maintaining the highway related activities of the highways and transportation commission and department including any workers' compensation and retirement programs; or

(2) To cover the costs incurred by the office of administration for or on behalf of the state highway patrol and the employees of the highways and transportation commission and department;

(3) The state highway patrol to cover the costs of administering and enforcing state motor vehicle laws or traffic regulations.

5. Beginning the fifth fiscal year following adoption of this provision, ten percent of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds, and motortricycles not distributed pursuant to subsection

two of this section, shall be credited to the state road fund. For every subsequent fiscal year thereafter, the state road fund shall be credited an additional ten percent of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds, and motortricycles which are not distributed pursuant to subsection two of this section, so that by the fifteenth fiscal year following voter approval of this provision, and every subsequent fiscal year thereafter, the state road fund shall be credited all of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds, and motortricycles which are not distributed pursuant to subsection two of this section. The amount of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds, and motortricycles credited to the state road fund pursuant to this subsection shall not include any of the proceeds which are derived from the state sales tax imposed on such items pursuant to sections 43(a), 43(b), 47(a), and 47(b) of this article of the constitution.

6. Notwithstanding the provisions of subsections 1 and 3 of this section, beginning the first fiscal year following the adopting of this provision, five percent of any increase in state motor vehicle registration fees on motor vehicles, trailers, motorcycles, mopeds, and motortricycles over and above those in effect upon adoption of this section shall be credited to the state highway patrol safety fund as established by law. The remainder of any increase in motor vehicle registration fees shall be distributed pursuant to subsection 3 of this section.

7. There is hereby established within the state treasury a fund to be known as the "State Highway Patrol Safety Fund". Such fund shall be utilized by the state highway patrol, upon appropriation, to cover the costs of administering and enforcing state laws and regulations. Prior to making any appropriations to the state highway patrol pursuant to the provisions of subsection 1 of this section, the general assembly shall ensure that all funds in the state highway patrol safety fund are exhausted or depleted. In addition to any funds the state highway patrol safety fund may receive pursuant to subsection 6 of this section, the general assembly is authorized to establish a separate motor vehicle registration surcharge or fee by law to fund the state highway patrol safety fund. The separate motor vehicle registration surcharge or fee shall not be subject to the funding allocation formula of subsections 1 and 3 of this section.